*smudge*

11-19-03

1771

Serial No.: 10/044,414  
Inventor(s): Cates et. al.

U.S. PTO Customer No. 25280  
Case No.: 5336

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Cates et. al.  
Serial Number: 10/044,414  
Filed: October 22, 2001

For: **Textile Substrate Having Coating Containing Multiphase Flurochemical, Cationic Material & Sorbant Polymer Thereon, for Image Printing**

Group Art Unit: 1771  
Examiner: Boyd, Jennifer A.

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

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Date: November 18, 2003

Signature: Stacy Coats

Name: Stacy Coats

Sir:

**RESPONSE TO OFFICE ACTION**

In response to the Office Action dated September 8, 2003, Applicant submits the attached Statement Under 37 CFR §3.73 (b), Terminal Disclosure Statement to pending US Application Numbers 10/044,171, 10/045,206, 10/044,166, and 10/040,742, and Information Disclosure Statement with Cited References.

Applicant respectfully submits that this Response and its attachments addresses all of the rejections, objections, and comments in the latest Office Action, and respectfully requests reconsideration and allowance of the pending claims in view of this Response. Applicant respectfully submits that the amendments submitted herewith do not add new matter to the application. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully Submitted,

Jeffery E. Bacon  
Reg. No. 35,055

Legal Dept. (M495)  
920 Milliken Road  
Spartanburg, SC 29303  
(864) 503-1160

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**TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

Name Application of: **Cates et al.**Application No.: **10/044,414**Filed: **October 22, 2001**For: **Textile substrate having coating containing multiphase fluorochemical, cationic material, and sorbant polymer thereon, for image printing**

The owner\*, **Milliken & Co.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **10/045,206**, filed on **10-22-01**, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.



Signature

Date

11/21/2003 JBALINAN 00000053 040500 10044414

02 FC:1814 110.00 DA

**Terry T. Moyer, Vice President and Senior**Typed or printed name **General Counsel****(864) 503-1600**

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included. **The Commissioner is hereby authorized to deduct the Terminal Disclaimer fee from our Deposit Account No. 04-0500.**

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Docket Number (Optional)

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Check either box 1 or 2 below, if appropriate.

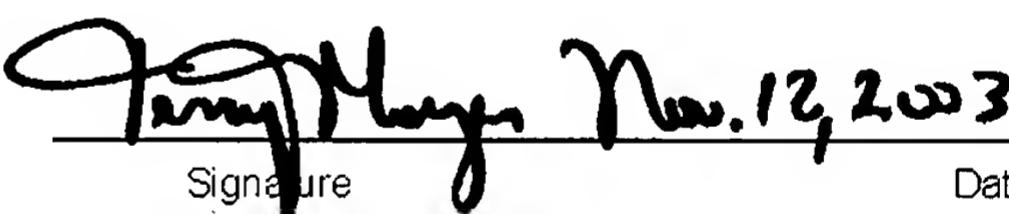
1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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2.  The undersigned is an attorney or agent of record.

11/21/2003 JBALINAN 0000053 040500 10044414

04 FC:18.4 110.00 DA



Signature

Date

**Terry T. Moyer, Vice President and Senior**Typed or printed name **General Counsel****(864) 503-1600**

Telephone Number

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*O I P E*  
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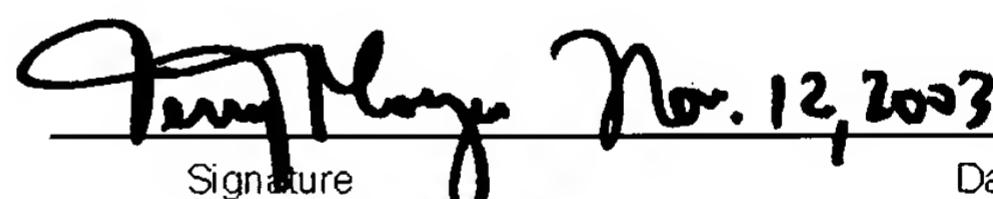
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Signature

Date

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**Terry T. Moyer, Vice President and Senior**

03 FC:181 110.00 DA

Typed or printed name **General Counsel****(864) 503-1600**

Telephone Number

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